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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,216	02/25/2002	Hiroshi Yoshiura	566.36319CX2	4475

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EXAMINER

DARROW, JUSTIN T

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,216

Applicant(s)

YOSHIURA ET AL.

Examiner

Justin T. Darrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/090,419.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/02,07/02,09/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-8 have been examined.

Priority

2. Acknowledgment is made that the instant application is a continuation of Application No. 09/621,697, filed 07/21/2000, now U.S. Patent No. 6,499,105 B1, which is a continuation of Application No. 09/090,419, filed 06/04/1998, now U.S. Patent No. 6,131,162 A.
3. Receipt is acknowledged of a papers submitted under 35 U.S.C. 119(a)-(d), which paper has been placed of record in parent Application No. 09/090,419, filed 06/04/1998, now U.S. Patent No. 6,131,162 A.
4. Acknowledgment is made for the benefit of an earlier filing date of Application No. P09-148061 filed in Japan on 06/05/1997 and Application No. P09-348860 filed in Japan on 12/18/1997.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Atkinson et al., U.S. Patent No. 5,892,904 A.

As per claims 1 and 6, Atkinson et al. illustrate a validity check system and method having

an information browser device that displays electronic data (see column 7, lines 23-27; figure 5, item 138; a browser application; see column 8, lines 41-48; figure 1, items 20 and 30; figure 7, item 180; a digital certificate rendered on a display screen associated with a recipient computer in a windowed computer environment),

an information publisher device that stores electronic data in a state that it can be displayed in the information browser device (see column 5, 36-52; figure 2A, items 58, 60, and 62; documents, including images, audio, video, executable programs, etc., for browsing reside as resources at a remote computer),

and a validity check unit that checks the validity of the electronic data (see column 7, lines 23-30; figure 6; publisher signature confirmation method; see column 4, lines 17-25 and 54-63; figure 1, item 24; implemented by a processor in software), comprising:

a storing sub-unit which stores validity checkable information (see column 7, lines 18-22; figure 5, item 136; a root public key incorporated into software applications or operating systems) usable for checking the validity of the electronic data stored in the information publisher device (see column 7, lines 53-55; figure 6, process block 158; figure 5, item 136; figure 4, item 122; decrypting the publisher digital certificate with the public key); and

a check sub-unit which checks the validity of electronic data which was requested from the information browser device to the information publisher device (see column 8, lines 3-21; figure 6, process blocks 158, 160, 164, 166, and 168; verifying the executable file by comparing

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the user-computed hash with cryptographic digest included in the publisher signature decrypted by the publisher's public key retrieved from the publisher digital certificate with the public key), by using the validity checkable information (see column 7, lines 53-55; figure 6, process block 158; figure 5, item 136; figure 4, item 122; decrypting the publisher digital certificate with the public key), and

transmitting the check result to the information browser device (see column 8, lines 22-29; figure 6, process block 170; and figure 7, dialog 180; when there is match of the user-computed hash with cryptographic digest, this result selectively renders a dialog confirming the certification of the received executable file; see column 8, lines 41-49; figure 7; dialog 180; where the digital certificate dialog is rendered on the display screen in a windowed environment).

As per claims 2 and 7, Atkinson et al. further point out:

that a control sub-unit has display control of the information browser device of the electronic data according to the check result (see column 8, lines 50-58; figure 7, dialog 180; displaying the executable file as having been published by Publisher under an Internet publishing license granted by Agency).

As per claims 3 and 8, Atkinson et al. alternatively show:

that the control sub-unit further keeps the electronic data from being displayed on the information browser device after the check sub-unit detects a modification of the electronic data (see column 8, lines 15-21; figure 6, decision block 168 and process block 162; if the user-

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computed hash does not match the cryptographic digest, the user is notified that the certification has failed and that digital certificate dialog for the executable file is not rendered on the display).

As per claims 4 and 5, Atkinson et al. depict a validity check unit and a program product comprising computer readable program code which constructs on a computer a validity check unit (see column 7, lines 23-30; figure 6; publisher signature confirmation method; see column 4, lines 17-25 and 54-63; figure 1, item 24; implemented by a processor in software), comprising:

a storing sub-unit which stores validity checkable information (see column 7, lines 18-22; figure 5, item 136; a root public key incorporated into software applications or operating systems) usable for checking the validity of the electronic data stored in the information publisher device (see column 7, lines 53-55; figure 6, process block 158; figure 5, item 136; figure 4, item 122; decrypting the publisher digital certificate with the public key); and

a check sub-unit which checks the validity of electronic data which was requested from the information browser device to the information publisher device (see column 8, lines 3-21; figure 6, process blocks 158, 160, 164, 166, and 168; verifying the executable file by comparing the user-computed hash with cryptographic digest included in the publisher signature decrypted by the publisher's public key retrieved from the publisher digital certificate with the public key).

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (703) 305-3872 until mid October 2004, then (571) 272-3801 thereafter, and whose electronic mail address is

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justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (703) 305-1830 until mid October 2004, then (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is (703) 872-9306. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed **"OFFICIAL FAX"**. Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only **"OFFICIAL FAX"** but also **"AMENDMENT AFTER FINAL"**.

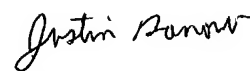
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900 until mid October 2004, then (571) 272-2100 thereafter.

September 18, 2004



**JUSTIN T. DARROW
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100**